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Notice of Allowability	Application No.	Applicant(s)	
	10/790,546	BAVETT, STEVEN T.M.	
	Examiner	Art Unit	
	Vinod D. Patel	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 1/12/05.
2. ☒ The allowed claim(s) is/are 1-6, 11, 22 and 24.
3. ☒ The drawings filed on 01 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>5/28/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leonard Bloom on 4/7/05.

The application has been amended as follows:

In the claims;

Claim 1 has been replaced with following claim.

Claim 1: In combination, a heated driveway, walkway, patio, deck, or stairs principally for outdoor use but usable as well for indoor use, the combination comprising a pan anchored to an existing surface, at least one insulating block disposed within the pan, the block being molded principally of recycled rubber, thereby providing a frictional surface to prevent or minimize slipping, and electrical heating means disposed between the block and the pan, thereby providing substantially improved moisture absorption and evaporation along with substantially improved melting capacity for ice or snow, and the block being removably disposed in the pan, whereby the block can be lifted out of the pan for substantially easier and convenient access to the electrical heating means, thereby avoiding the necessity for digging up any concrete or masonry materials.

Claim 2, line 2, "form" has been replaced with "pan".

Claim 21 has been cancelled.

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Claim 22, “ that may subsequently occur” has been deleted and “blocks may” has been replaced with “blocks can”.

Claim 24, line 4, “merely” has been deleted.

Claim 24, line 5, “frictionally” has been deleted.

Claim 24, line 9, “block may” has been replaced with “block can”.

Claim 24, line 9-10, “against the frictional retention of” have been deleted.

Allowable Subject Matter

2. Claims 1-6, 11, 22 and 24 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The prior art does not show, the block can be removably disposed in the pan which is anchored to an existing surface in heated driveway, walkway, patio, deck or stairs by being lifted out of the pan recited in claims 1 and 24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cohen (US2745942), Pradenas (US3418448), Bateman (US3445628), Deschenes (US4564745), Bayless (US4967057), Dyer (US5380988), Barnes (US5550350), Schields (US5591365), Pearce (US6180929), Birch (US6438909) relate to heated mats/panels.


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is 571-272-4785. The examiner can normally be reached on 7.30 A.M. TO 4.00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
April 12, 2005

 4/12/05
Vinod Patel
Patent Examiner


Tu Ba Hoang
Primary Examiner